

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are currently pending. Claims 1, 5-10, and 14-18 have been amended; and Claim 19 has been added by the present amendment. The changes and additions to the claims are self-evident from the claims or supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 17-18 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1, 10, and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,117,253 to Nakayama et al. (hereinafter ‘the Nakayama patent’) and U.S. Patent No. 6,311,011 to Kuroda (hereinafter ‘the Kuroda patent’); Claims 2-5 and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nakayama and the Kuroda patents in further view of U.S. Patent Publication No. 2002/0077984 to Iretton (hereinafter ‘the Iretton application’); and Claims 6-9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nakayama and the Kuroda patents in further view of U.S. Patent Publication No. 2004/0054650 to Chun (hereinafter ‘the Chun application’).

Regarding the rejections of Claims 17 and 18 under 35 U.S.C. § 101, Claims 17 has been amended to recite, in part, “A computer-readable medium encoded with a contents acquisition program for causing an information processing apparatus to execute.” Claim 18 has also been amended in a similar fashion. These amendments are in accordance with MPEP § 2106.01 which states, in part,

a claimed computer-readable medium encoded with a
data structure defines structural and functional
interrelationships between the data structure and the computer

¹ See paragraph [0078] of Applicants’ specification.

software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Accordingly, Applicants have respectfully traversed the rejections of Claims 17 and 18 under 35 U.S.C. § 101 as being directed to non-statutory matter.

Without addressing the Examiner's assertion that all the previously submitted claim elements were found in the cited art, Applicants respectfully submit that Claim 1 has been clarified to recite, in part,

controlling reproduction of the contents data based on the contents attributes information.

The Nakayama patent is directed to an information management system which records, directly in a medium, contents on a server that need not be updated for a fixed period of time and which permits desired contents in a local device to be accessed by the same operation procedure as that for accessing the server storing the contents.² However, it is respectfully submitted that the Nakayama patent fails to disclose controlling reproduction of the contents data based on the contents attributes information.

Rather, the Nakayama patent simply describes synchronization control while reproducing streaming content, such that images are displayed on a screen in a manner timed to the progress of the content.³ Thus, the images that are reproduced on the screen are synchronized based on *only* the progress of the streaming contents. Thus, it is respectfully submitted that the Nakayama patent does not disclose controlling reproduction of the contents data *based on contents attributes information*.

There is no discussion, and therefore no disclosure in the Kuroda patent of reproduction of data. Thus, it is respectfully submitted that the Kuroda patent does not remedy the deficiencies of the Nakayama patent discussed above. Accordingly, Applicants

² See the Nakayama patent, column 2, lines 15-21.

³ Id. at column 11, lines 51-54.

respectfully traverse the rejection of Claim 1 (and all associated dependent claims) as being unpatentable over the Nakayama and the Kuroda patents.

The additional cited references have been considered but are not deemed more relevant, to controlling reproduction of contents data based on contents attributes information, than the Nakayama and Kuroda references discussed above. Thus, it is respectfully submitted that these additional references do not remedy the deficiencies of the Nakayama and Kuroda references.

Independent Claims 10 and 15-18 have been amended in a similar fashion as Claim 1. Accordingly, it is respectfully submitted that independent Claims 1, 10, and 15-18 (and all associated dependent claims) patentably define over the Nakayama patent, the Kuroda patent and the Iretton and the Chun applications.

The present amendment adds new Claim 19 for examination on the merits. Claim 19 recites, in part, a contents acquisition method comprising:

temporarily storing the contents identification
information as in-storage contents identification information
when it is determined that the contents identification
information is registered in the database *and* temporarily
storing the contents identification information as in-storage
contents identification information when the reception of the
contents data is completed
[Emphasis Added]

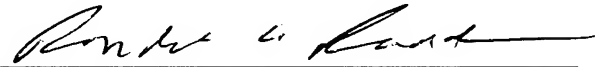
This feature defines in the conjunctive a similar feature that was defined in Claim 1 in the alternative. The Office Action made no showing in the art of temporarily storing the contents identification information as in-storage content identification information when the reception of the contents data is completed.⁴ Indeed, it is respectfully submitted that the references cited by the Examiner do not disclose the above feature defined in Claim 19.

⁴ See page 8 of the Office Action.

Consequently, in view of the present amendment and in light of the above-discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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